

REMARKS

Claims 30-43 have been rejected under 35 U.S.C. § 112, first paragraph, as not enabled. The Examiner maintains that the specification does not provide enablement for treating all neurodegenerative diseases, psychiatric dysfunctions, dopamine dysfunctions, cocaine abuse and clinical dysfunctions.

Applicants respectfully disagree. As noted in the Office Action, "the instant compounds are inhibitors of dopamine and serotonin uptake." (Office Action, dated 3/3/2004, page 3). This is shown tables 2 and 3 of the present specification. Thus, it follows that the compounds of the instant invention will be useful to treat any disease or medical condition that is associated with dopamine and serotonin uptake. It is well known in the art that diseases that are associated with dopamine and serotonin uptake include neurodegenerative, psychiatric, dopamine dysfunctions, cocaine abuse and clinical dysfunctions. Therefore, since the claims are enabled for inhibiting serotonin uptake, they are also enabled for treating the aforementioned diseases.

Claims 14, 17, 19-28, 30-33, 35, 36, 38, 39, and 42 stand rejected under 35 U.S.C. § 112, second paragraph as indefinite.

Claims 14 and 17 have been amended to overcome the Examiner's objections.

The Examiner has objected to claims 24 and 19 as being substantial duplicates. Additionally, in claims 24 and 19, it has also been found that there is no antecedent basis for R₂ being benzoyloxy.

Applicants respectfully disagree. The markush groups of claims 24 and 19 contain different compounds, they are thus not substantially the same. In addition, Claim 1 has also been amended to provide support for R₂ being benzoyloxy. Support in the specification can be found at page 14, line 9.

In claims 20-23, X is incorrectly defined as N3. Claims 20-23 have been amended to correct this typographical error.

Claims 25-28 have been rejected as not being clear.

Applicants respectfully disagree. Claim 25 provides a method for inhibiting 5-hydroxytryptamine reuptake by contacting the monoamine transporter with a monoamine transporter inhibitor compound of the present invention. Claim 26 is to preferred monoamine transporters which include the dopamine transporter, the serotonin transporter and the norepinephrine transporter. Inhibition can be achieved in vitro or in vivo.

Claims 27 and 28 also describe preferred embodiments as described on page 9, line 25 to page 10, line 10 of the instant specification, and are clear in their meaning.

In claims 30, 31, and 42 the term clinical dysfunction has been found to be indefinite.

Applicants respectfully disagree. The term "clinical dysfunction" is widely understood within the medical community as referring to any abnormality or disturbance in the function of an organ, tissue, cell, or part of a cell, in an individual that results in a clinical manifestation.

Claim 32 is a substantial duplicate of claim 33 and has been cancelled. Claim 36 is a substantial duplicate of claim 35 and has been cancelled. Claim 38 is a substantial duplicate of claim 39 and has been cancelled.

The specification has been amended to claim priority to each of the following US Applications: US Appl. No.: 09/314,441, which is a division of 08/893,921, now Pat. No.

5,948,933, which is a continuation of Appl. No. 08/552,584, filed on Nov. 5, 1995, now Pat. No. 6,171,576.

Claims 1-29, 41, 44, and 45 have been rejected under 35 USC § 102(b) as anticipated by Meltzer et al., J. Med. Chem. 2001, 44, 2619-1635. Claims 1-9, 12, 14-16, 18, 20, 22, 25-29, 41, 44 and 45 have been rejected under 35 U.S.C. § 102(b) as anticipated by Zhao, (. Med Chem. cited on applicant's Form 1449. Claims 1-45 have been rejected under 35 U.S.C. 102(b) by Meltzer et al., WO 99/02526. Claims 1-45 have been rejected under 35 U.S.C. 102(e) as being anticipated by Meltzer (US 6,353,105). Claims 1-45 have been rejected under 35 U.S.C. § 102(e) as anticipated by Meltzer (US 6,670,375).

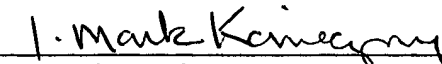
Since the specification has been amended as described above, and now claims a priority date of November 5, 1995, each of the above references is no longer a 35 U.S.C. § 102 reference.

It is not believed that any additional fees are due, however if additional fees are due please charge Deposit Account 04-1105.

It is respectfully submitted that this application is in condition for allowance, an early consideration and notice of allowance are earnestly solicited.

Respectfully submitted,

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Customer No.: 21874
439800


J. Mark Konieczny, Esq. Reg. No. 47,715
Gregory B. Butler, Ph.D., Esq., Reg. No. 34,558
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel.: (617) 439-4444
Fax: (617) 439-4170